



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

September 26, 2017

MR. JOHN GREENEWALD
[REDACTED]

FOIPA Request No.: 1219492-001
Subject: FILE NUMBER 80-HQ-760
(1945-1989)

Dear Mr. Greenewald:

This is in response to your Freedom of Information Act (FOIA) request.

Records responsive to your request are currently being processed. The available documents represent an interim release of information responsive to your FOIA request. You will be notified when additional releases are available.

You were previously advised in FOIPA 1219492-000 that we were consulting with another agency concerning information related to your FOIA request.

A portion of that information has been returned to the FBI and is enclosed.

5 preprocessed pages, which originated with other Government agencies, are enclosed. To expedite requests, preprocessed packages are released the same way they were originally processed. This material is being provided to you at no charge.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

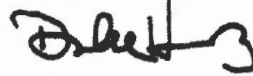
For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c)(1)(D), (2)(A), (2)(B) (2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

EXECUTIVE OFFICE OF THE PRESIDENT
NATIONAL SECURITY COUNCIL
WASHINGTON

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SECURITY INFORMATION

June 26, 1953.

MEMORANDUM FOR THE CHAIRMAN
INTERDEPARTMENTAL COMMITTEE ON INTERNAL SECURITY

SUBJECT: ULTRASONIC LISTENING DEVICE

With reference to Mr. Bienvenu's memorandum of June 19, 1953, enclosing a report with proposed amendments to the Presidential directive on the subject, I suggest that, if you have not already done so, you make a copy of the report and proposed amended directive available to Mr. Don Parsons of the Bureau in view of the past and continuing interest which the Bureau has therein.

I talked with Mr. Parsons concerning the subject today and advised him that when the meeting is called to consider the report and draft directive attached, that I would inform him of the date and time so that he might also attend.

J. Patrick Coyne

cc - Mr. D. J. Parsons
Federal Bureau of Investigation
Room 7151 Department of Justice
Washington, D. C.

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June 19, 1953

MEMORANDUM RE ULTRASONIC LISTENING DEVICES:

For the information of the addressees of this memorandum there is attached herewith Copy No. 7 of a draft report on this subject dated June 9, 1953, with a revised Presidential Directive attached thereto. The enclosure was prepared in accordance with the meeting on May 19, 1953, held by Mr. J. Patrick Coyne, National Security Council.

In preparing the report I consulted certain files of the Department of Justice, with the assistance of Mr. C. Edward Nicholson, as well as with Mr. James L. Brewink, Chief of Division 70, Patent Office (Code 164, Ext. 2870). Mr. Brewink asked me to inform you that it is very important that the Commissioner of Patents be apprized of the Presidential Directive in view of his responsibilities for the handling of patent matters.

A meeting will be called by Mr. Coyne after the recipients of this memorandum have had an opportunity to examine the enclosed drafts.

SIGNED

Leonard P. Bienvenu

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ENCLOSURE

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DRAFT
June 9, 1953

**REPORT CONCERNING THE USE AND CONTROL OF
ULTRASONIC LISTENING DEVICES**

THE PROBLEM

1. To review the Presidential Directive dated August 23, 1950 in the light of new developments and prepare recommendations to be submitted to the President regarding any changes in content or classification which will facilitate both workable and secure operations.

DISCUSSION

2. With reference to Paragraph 3 of the report attached to the memorandum of August 17, 1950, to the President, it is known that at least one ultrasonic listening device, in addition to the FBI model, has been constructed. In addition, the ideas embodied in these devices, which are not new, are known to several persons (approximately 8 to 12). The one device known to exist other than the FBI model was voluntarily relinquished to the Department of Justice for safekeeping for an indefinite period of time. The possibility exists that additional models can be constructed by the aforementioned persons having knowledge thereof.
3. With reference to Paragraph 5 of the 1950 report, the inventor has informed that he is not interested in seeking a patent on the device because of the expense involved and since the FBI had already developed such a device prior to his own invention. FBI agents applied for a patent on July 1, 1952 and have assigned all rights to the FBI proper. The device has been classified Top Secret in the Patent Office and the counterdevice is classified Secret. The inventor has applied for a patent on the counterdevice. Insofar as is known, the inventor has continued voluntarily to restrict information concerning the device itself to a selected group of representatives of the federal government.
4. The handling of all applications for patents or any patent matter or case involving security information classified Secret and below, excluding Top Secret, is confined on a "need to know" basis within the Patent Office, Department of Commerce, to twenty examiners and nine docket and administrative personnel all of whom are in Division 70 and have Quc clearances by the Atomic Energy Commission. Seventeen

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This document consists of 3 pages

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additional personnel in the Patent Office having the same clearances could have access to such information if necessary in processing. Most of the personnel mentioned above have not been cleared by the Department of Commerce for access to Top Secret Security Information but are cleared for access to Security Information classified Secret on the basis of the AEC Quc clearances and national agency checks. Within the examining functions of the Patent Office the Commissioner of Patents, two examiners, and two secretaries are cleared for access to Top Secret Security Information by the Department of Commerce and all patent matters so classified are handled solely by this group.

5. The extensive intelligence operations abroad by the Department of Defense in support of U. S. forces will be greatly facilitated through a grant of authority to that department to contract for the acquisition of such devices for use outside the continental and territorial United States.

CONCLUSIONS

6. Conclusions 8 and 9 of the report appended to the memorandum to the President of August 17, 1950, pertaining to proper control and utilization of such devices to assure timely acquisition of vital intelligence and the extremely grave menace which would be engendered by indiscriminate application or use of such devices by unscrupulous or subversive persons, are equally valid today as they were in August 1950.
7. The above referred to development or acquisition since 1950 of knowledge of such devices by non-governmental personnel warrants, and workable yet secure handling of all patent applications and matters involving information regarding such devices seem to require, a downgrading of the security classification of the Presidential directive and such devices to Secret.

RECOMMENDATIONS

8. It is recommended that the attached draft dated of a revised directive be approved and issued by the President under a classification of "Secret" security information.

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**REVISED DIRECTIVE CONCERNING THE ACQUISITION AND USE OF ULTRASONIC LISTENING
DEVICES IN THE CLANDESTINE COLLECTION OF INFORMATION**

The directive of August 23, 1950 is revised to read as follows: In the over-all interests of the people and Government of the United States and in order to insure the proper control and handling of ultrasonic listening devices, and counter devices thereto, it is hereby directed that:

1. Appropriate arrangements be effected to control such devices for the exclusive use of the United States Government. The security classification of such devices is hereby downgraded to "Secret" Security Information.
2. The use of such devices shall be limited exclusively to matters of vital importance to the national security of the United States in order to avoid any unjust encroachment upon individual rights and constitutional guarantees.
3. The Departments of the Treasury, Defense and Justice, and the Central Intelligence Agency shall be the exclusive agents of the Government responsible for the control of such devices, and the development of appropriate countermeasures applicable to the unauthorized use of such devices.
4. The Department of Justice shall be the sole agency contracting for the acquisition of such devices for use within the continental and territorial United States.
5. The Central Intelligence Agency and the Department of Defense shall be the sole agencies contracting for the acquisition of such devices for use outside the continental and territorial United States.
6. Such devices shall not be used by any agency of the Treasury Department in the absence of the approval in each instance of the Secretary of the Treasury.
7. Such devices shall not be used by any agency of the Department of Defense in the absence of the approval in each instance of the Secretary of Defense.
8. Such devices shall not be used by any agency of the Department of Justice in the absence of the approval in each instance of the Attorney General.
9. Such devices shall not be used by the Central Intelligence Agency in the absence of the approval in each instance of the Director of Central Intelligence.
10. The Secretary of the Treasury, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall be responsible for continuing and close supervision of all activity relating to the control and use of such devices.
11. Information concerning the existence and nature of such devices should be limited strictly to appropriate employees of the Government on a "need to know" basis.

(signed) Approved

Dwight D. Eisenhower

The White House
June , 1953

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